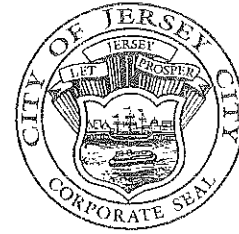


City Clerk File No. Ord. 19-036

Agenda No. 3.K 1st Reading

Agenda No. \_\_\_\_\_ 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-036

TITLE:

**AN ORDINANCE AMENDING CHAPTER 307, (TAXICABS AND LIMOUSINES)  
ARTICLE II, OF THE JERSEY CITY MUNICIPAL CODE TO REQUIRE  
RIDESHARE VEHICLES TO BE EQUIPPED WITH IDENTIFYING SIGNAGE**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, on March 22, 2019, 21-year-old New Jersey native Samantha Josephson was killed after she mistakenly climbed into a car she believed was her Uber ride and the driver of the vehicle murdered her; and

**WHEREAS**, there are currently no regulations or laws in New Jersey governing or requiring rideshare vehicles to have identifying signage; and

**WHEREAS**, it is in the City's best interests that the Municipal Council mandate that all rideshare vehicles operating within the City have illuminated signs identifying the vehicle as a rideshare vehicle while the driver is on duty to alert potential riders and to prevent the tragedy which befell Ms. Josephson.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that Chapter 307, (Taxicabs and Limousines) Article II be amended as follows:

### **CHAPTER 307 TAXICABS, AND LIMOUSINES & TRANSPORTATION NETWORK COMPANY VEHICLES**

#### **ARTICLE I Taxicabs**

##### **§ 307-1. *through* § 307-36.1**

NO CHANGE.

#### **ARTICLE II Limousines & Transportation Network Company vehicles**

##### **§ 307-37. - Definitions.**

The following words and phrases when used in this chapter have the meanings as set forth herein:

CITY - The City of Jersey City.

CRUISING - The driving of limousine vehicles on the streets, alleyways or other public places of the City in search or solicitation of prospective passengers.

DIRECTOR - The Director of the Division of Commerce in the City of Jersey City's Department of Housing, Economic Development and Commerce.

**DIVISION** - The Division of Commerce of the City of Jersey City's Department of Housing, Economic Development and Commerce.

**HEARING** - A public hearing at which the licensee shall be given an opportunity to appear personally and be represented by his/her chosen counsel and be heard and to present evidence on his/her behalf or otherwise answer the charges against him/her.

**HEARING OFFICER** - Shall be the Business Administrator or his/her designee.

**HOLDER** - A person or entity to whom a limousine license has been issued.

**LICENSE INSPECTOR** - An inspector acting on behalf of the Division.

**LICENSING YEAR** - April 1 of any given year through March 31 of the following year.

**LIMOUSINE OPERATOR** - Any person holding a valid current New Jersey or New York driver's license with a passenger endorsement or possessing any other such license or class of license as required by the State of New Jersey Motor Vehicle Commission for a limousine driver/operator.

**LIMOUSINE VEHICLE (or LIMOUSINE)** - Any automobile or motor car, issued special registration plates bearing the word "limousine" pursuant to Section 12 of P.L. 1979, c.224 (C.39:3-19.5), which is engaged in the business of carrying passengers on a pre-arranged charter basis, which is not conducted on a regular route or at a regular time, with a seating capacity of no more than fourteen (14) passengers, not including the driver, provided that such a vehicle is certified by the manufacturer of the original vehicle (and the second-stage manufacturer, if applicable) to conform to Federal Motor Vehicle Safety Standards promulgated by the United States Department of Transportation pursuant to 49 CFR 567.1 et seq. and 49 CFR 567.1 et seq. In addition, a "Vehicle Emission Control Information" label, which contains the name and trademark of the manufacturer and an unconditional statement of compliance with the emission requirements of the Environmental Protection Agency, shall be present on the vehicle. Nothing herein shall be construed to include taxicabs, hotel buses, buses employed solely in transporting school children or teachers, or vehicles operated by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services.

**MVC** - The New Jersey Motor Vehicle Commission.

**TRANSPORTATION NETWORK COMPANY or RIDESHARE COMPANY or COMPANY** means a corporation, partnership, sole proprietorship, or other entity that is registered as a business in the State or operates in this State, and uses a digital network to connect a transportation network company rider to a transportation network company driver to provide a prearranged ride. A Transportation Network Company shall not include an individual, corporation, partnership, sole proprietorship, or other entity arranging non-emergency medical transportation for individuals qualifying for Medicaid under P.L.1968, c.413 (C.30:4D-1 et seq.) or Medicare under 42 U.S.C. § 1395 et seq. pursuant to a contract with the State or a managed care organization, whereby Medicaid or Medicare funding is used to pay for the non-emergency medical transportation services.

**TRADE DRESS BEACON or BEACON** means the illuminated signage featuring the proprietary trademark or logo that identifies the Transportation Network Company and which can be installed on a vehicle's dashboard or attached to its windshield.

**TRANSFER** - To sell, transfer or in any other manner dispose of, a limousine license. Where the license is in the name of a corporation or other legal entity, any change in ownership or control of the corporate entity holding the license shall constitute a "transfer" of the license held in the name of said corporation or other legal entity. The Division shall determine what constitutes a change in control.

**§ 307-38. through § 307-40.**

NO CHANGE.

**§ 307-41. - Transportation Network Company vehicles; display of Trade Dress Beacon mandatory.**

- A. Every Transportation Network Company with drivers operating out of the City must provide those drivers with a consistent and distinctive Trade Dress Beacon for use in the vehicles operated by those drivers when they are active on the Company's digital platform or when providing Transportation Network Company service within the borders of the City. The Trade Dress Beacon used by the Transportation Network Company must be approved by the Division of Commerce before its use.

All Trade Dress Beacons must be:

- (1) readable during daylight hours at a distance of fifty (50) feet;
- (2) no larger than eight (8) inches wide by eight (8) inches tall; and
- (3) illuminated in such a way that it is patently visible so as to be seen in darkness; and

Additionally, every Transportation Network Company shall forward to the Division of Commerce, the name, contact information, license plate number(s) and physical address of each driver operating out of the City who has been issued a Trade Dress Beacon.

- B. Every Transportation Network Company vehicle driver, both those operating out of the City, and those operating within the City, must affix an approved Trade Dress Beacon to the vehicle's dashboard or windshield at all times when the Transportation Network Company driver is active on the Transportation Network Company digital platform or providing Transportation Network Company service within the borders of the City. The Beacon shall, at all times, be illuminated.
- C. Every Transportation Network Company shall immediately notify the Division of Commerce when a driver, operating out of the City, ceases to be employed by or work for the Company. All Trade Dress Beacons must be surrendered to the Transportation Network Company immediately after separation from Company. Should the Company not receive back the Beacon furnished to a particular driver, it shall report in writing to the Division of Commerce, the driver's name, license plate number(s) and last known physical address. If a driver cannot return the Beacon at the end of his or her employment with a Transportation Network Company, the driver must provide to the Division of Commerce a signed and witnessed affidavit explaining why the Beacon could not be returned.

**§ 307-41.42. - Enforceability.**

The provisions of this article may be enforced by State and local Police and by officers and agents of the Division of Commerce. **§ 307-42.43. - Violation and penalties.**

Except as set forth in N.J.S.A. 48:16-22.a, providing a penalty of five hundred dollars (\$500.00) against an owner of a limousine service who hires an unqualified driver, and any other penalty which may be adopted by N.J.S.A. 48:16-13-22.7, or by N.J.S.A. 39:5H-1 et seq., any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided for in Chapter 1, General Provisions, § 1-25.

**§ 307-4344. - Severability.**

The provisions of this article are declared to be severable and if any section, subsection, sentence, clause or phrase thereof, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this article, but shall remain in effect; it being the legislative intent that this article shall stand notwithstanding the invalidity of any part.

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This Ordinance shall take effect twenty (20) days after enactment.
- IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

**NOTE:** All new material is underlined; words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

APPROVED AS TO LEGAL FORM

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

**ORDINANCE FACT SHEET**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

**AN ORDINANCE AMENDING CHAPTER 307, (TAXICABS AND LIMOUSINES) ARTICLE II, OF THE JERSEY CITY MUNICIPAL CODE TO REQUIRE RIDESHARE VEHICLES TO BE EQUIPPED WITH IDENTIFYING SIGNAGE**

**Initiator**

<b>Department/Division</b>	Department of Business Administration	Office of the Business Administrator
<b>Name/Title</b>	Brian D. Platt	Business Administrator
<b>Phone/email</b>	201-547-4513	bplatt@jcnj.org

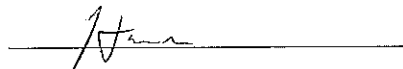
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

This Ordinance mandates that all Rideshare Vehicles operating within Jersey City must have illuminated signage identifying the vehicles as Rideshare Vehicles when operating within the borders of the City.

This Ordinance also sets forth uniform standards for such signage and requires Rideshare companies to provide the City with a list of individuals operating out of the City who are providing their service.

**I certify that all the facts presented herein are accurate.**



**Brian D. Platt**  
**Business Administrator**

April 4, 2019

**Date**